REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. Claims 1, 18, 20, 23, 24, 26, 29, and 34 have been amended and claims 3, 11, 19, 25 and 30 have been cancelled as shown on pages 2-8. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   **Rejection of Claims 1-34 Under 35 U.S.C. §102(b)**

Claims 1-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Joao (US 6,549,130). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Joao does not disclose each and every element set forth in applicant's claims.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that *"each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed invention relates to a system that electronically locks the physical operation of dangerous equipment by analyzing electronic key data. The electronic key and lock system is used in place of physical locks on circuit breakers and the like. In particular, independent claim 1 as amended (and similarly amended independent claims 18, 23, 24, 29, and 34) recites a system that electronically controls a physical operation of dangerous equipment comprising *an electronic key that stores electronic key data separately from the dangerous equipment, the electronic key data comprises at least one of key holder identity information, key holder task, and estimated time to complete the key holder task*, an electronic key reader that reads the electronic key data from the electronic key, *the electronic key reader performs at least one of logging electronic key data, logging times when the operation of the piece of dangerous equipment is disabled, logging times when the operation of the piece of dangerous equipment is enabled, logging electronic key holder medical information, logging electronic key holder tasks, logging electronic key holder identity, scheduling dangerous equipment operation, scheduling related equipment operation and performing electronic data interchange*, an

9

electronic key data analyzer that is associated with the electronic key reader, the electronic key data analyzer analyzes the read electronic key data by determining parameters for disabling the dangerous equipment and generates disconnect control data based, at least in part, on the electronic key data and a disconnector that is associated with the electronic key data analyzer and the dangerous equipment, the disconnector disables and re-enables operation of the dangerous equipment, based at least in part on the disconnect control data. Joao nowhere discloses, teaches or suggests such claimed aspects.

Rather, Joao relates to an anti-theft system that enables an authorized user to disable a vehicle remotely by sending a disable code if it is stolen. (*See* Summary). An authorized user activates the anti-theft apparatus located on a vehicle by sending an access code from a remote transmitter to a receiver of the apparatus. After activation, the authorized may transmit a command code such as a vehicle disable code, a vehicle re-enable code or a monitoring code. (*See* Summary). A CPU associated with the apparatus identifies the command code by utilizing a processing routine. The code identification routine is performed by testing the command code or code data against pre-determined codes and code data stored in the apparatus program memory. (*See* col. 32, ll. 20-50). As an alternative to remote transmitter, the apparatus may be coupled to an arming device and an activation device located within the vehicle. The arming device and activation device can be utilized to activate the apparatus and input command codes. The arming and activation device can further be utilized to alter the pre-defined codes stored in the apparatus program memory. (*See* col. 42, line 45 – col. 43, line 67).

Joao fails to disclose, teach or suggest the electronic key data comprising at least one of key holder identity information, key holder task, and estimated time to complete the key holder task as recited by the claimed invention. Rather, Joao discloses access codes, command codes and arming codes. In Joao, the remote transmitter utilized to send access and command codes may be a touch-tone telephone. (*See* col. 19, ll. 13-16). Thus, the access and command codes utilized to access the device and disable the vehicle are sequences of alphanumeric characters is are distinct from electronic key data including electronic key holder identity information, key holder task and time to complete the key holder task. For example, upon the theft of a vehicle, a vehicle owner will use a telephone to send a disable code to the vehicle. The disable code sent by the owner does not identify the owner, the owner's task or an estimated time to complete the owner's task. Moreover, while Joao discloses that the arming device may be a switch, a card

reader or a key pad, the arming command code supplied to the arming device *via* these means is an alphanumeric code and does not contain additional data as in the subject claims. Joao does not disclose, teach or suggest this limitation of the subject claims.

Furthermore, Joao is silent regarding logging electronic key data, electronic key holder identity, electronic key holder tasks and electronic key holder medical information as recited by the claimed invention. In Joao, the vehicle owner may input a monitoring code and the anti-theft system will convey to the user the current status of the vehicle and/or position of the vehicle at the time the code is input. (*See* col. 7, ll. 44-55). In the subject invention, the electronic key reader may log a plurality of data in order to create a maintenance history that would typically be kept by hand. (*See* pg. 16, ll. 2-20). Thus, Joao allows the present condition of the car to be viewed and <u>nowhere</u> discloses logging a plurality of data such as electronic key data and electronic key holder identity as recited by independent claim 1 (and similarly by independent claims 18, 23, 24, 29 and 34). Therefore, Joao fails to disclose, teach or suggest this limitation of the subject claims.

In view of at least the foregoing, it is readily apparent that Joao fails to disclose, teach or suggest all limitations of the subject claims. Accordingly, this rejection with respect to independent claims 1, 18, 23, 24, 29, and 34 (and the claims that depend therefrom) should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP230US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731